

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CHARLES HALLINAN, JOSEAN KINARD,)
ARNOLD J. HILL, BENJAMIN D. MCRAE,)
JOHN DAILEY, LEE M. AYERS, GEORGE)
B. RIDDICK, JORGE LUIS MALDONADO,)
ANTWAN HARRIS, ANTHONY BUTLER,) Case No. 5:20-HC-02088-FL
and TROY A. TITUS, on behalf of themselves)
and similarly situated individuals,)
)
)
Petitioners/Plaintiffs,)
)
)
v.)
)
)
THOMAS SCARANTINO, Complex Warden,)
Federal Correctional Complex Butner;)
MICHAEL CARVAJAL, Federal Bureau of)
Prisons Director; and JEFFERY ALLEN,)
Federal Bureau of Prisons Medical Director, in)
their official capacities,)
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Respondents/Defendants.)
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**[PROPOSED] ORDER GRANTING PETITIONERS/PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND WRIT OF
HABEAS CORPUS**

Petitioners'/Plaintiffs' Motion for Temporary Restraining Order, Preliminary Injunction, and Writ of Habeas Corpus is GRANTED as follows:

1. It is ORDERED that within one day of this order (by _____), Respondents shall identify all people incarcerated at the Federal Correctional Complex Butner ("Butner") who meet any of the following criteria:
 - Are over the age of 50, or
 - Are of any age who experience (a) lung disease, including asthma, chronic obstructive pulmonary disease (e.g., bronchitis or emphysema), or other chronic conditions associated

with impaired lung function; (b) heart disease, such as congenital heart disease, congestive heart failure, and coronary artery disease; (c) chronic liver or kidney disease (including hepatitis and dialysis patients); (d) diabetes or other endocrine disorders; (e) epilepsy; (f) hypertension; (g) compromised immune systems (such as from cancer or cancer treatment, HIV, receipt of an organ or bone marrow transplant, as a side effect of medication, or other autoimmune disease); (h) blood disorders (including sickle cell disease); (h) inherited metabolic disorders; (j) history of stroke; and/or (k) a developmental disability (the “Medically Vulnerable Subclass”);

2. It is ORDERED that Expert _____ is appointed to determine appropriate categories of release for each of member of the Medically Vulnerable Subclass;
3. It is ORDERED that within 48 hours after entrance of this Order (by _____) the court-appointed expert will determine appropriate categories of release for each member of the Medically Vulnerable Subclass (the “Expert List”);
4. It is ORDERED that Respondents must release—without quarantining at Butner—all persons identified as appropriate for release within twenty-four (24) hours of creation of the Expert List (by _____); and
5. It is ORDERED that Respondents must prepare a COVID-19 mitigation plan to be submitted to the Court within 48 hours of this Order (by _____) that will be overseen by a qualified public health expert pursuant to Fed. R. Evid. 706, which outlines:
 - i. Immediate testing for all people incarcerated at Butner showing any symptoms or known to have been in close proximity with anyone showing any symptoms or having tested positive for COVID-19;
 - ii. Immediate medically sound quarantine for all people incarcerated at Butner showing symptoms or known to have been in close proximity to anyone showing symptoms or having tested positive for COVID-19;

- iii. Immediate medically sound isolation for all people incarcerated at Butner who have tested positive for COVID-19, in compliance with CDC guidelines;
- iv. Appropriate medical treatment for incarcerated people exhibiting symptoms of COVID-19, including the waiver of any sick call fees;
- v. Additional specific efforts to ensure no spread of COVID-19 from outside the quarantine area to the quarantine area, including: (1) requiring staff who enter the quarantine area to wear masks; (2) ensuring proper access to products/materials for proper hygiene; (3) ensuring individuals in the quarantine area are able to comply with physical distancing guidelines; and (4) frequent disinfecting and cleaning.

ORDERED this ____ day of _____ 2020.

Hon. Louise W. Flanagan
United States District Judge

CERTIFICATE OF SERVICE

I, Jeffrey S. Wilkerson, hereby certify that a true copy of the of the foregoing was served on Respondents/Defendants' counsel of record with the Clerk of the Court via the CM/ECF Document Filing System.

This 28th day of May, 2020.

/s/ Jeffrey S. Wilkerson

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